

REMARKS

The Office action mailed September 19, 2006, rejects claims 1-52. The applicant respectfully requests reconsideration of the rejections in light of the remarks presented in this reply.

I. Response to the examiner's argument

In U.S. Patent No. 6,314,455 ("Cromer"), the word "reset" describes a computer operation that includes rebooting the computer. Lines 61-62 of column 1 make this clear. These lines explain "[w]hen a computer is reset or initially powered-on, a boot process begins." This text shows that a "reset" in Cromer causes a computer to reboot.

Because a "reset" in Cromer includes a reboot, the following statement on page 22 of the Office action is incorrect: "[i]n the pertinent portion of Cromer, the system is *reset*, not rebooted." As a "reset" always causes a "reboot," it is not possible for the system of Cromer to be reset without also being rebooted.

II. Claim 1 is not anticipated by the cited prior art

Claim 1 stands rejected under 35 U.S.C. § 102(e) as anticipated by Cromer. This rejection is respectfully traversed. Claim 1 recites, "[a] method of recovering from a corrupt computer system BIOS" that comprises, inter alia, "rebooting said computer system once after determining that said BIOS is corrupt, said rebooting occurring after said programming". Cromer does not teach or suggest this limitation.

As explained above, the word "reset" describes a computer operation that includes rebooting the computer. The rejection presented in the action relies on the method shown in figure 4 of Cromer. This method of figure 4 does not teach or suggest "rebooting said computer system once after determining that said BIOS is corrupt, said rebooting occurring after said programming"

Instead, this method includes numerous resets. For example, in step 428 the "[c]lient resets itself." Additionally, step 420 includes a "[c]lient reset." Because "resetting" a computer causes a reboot, the computer running the method of figure 4 includes at least two reboots after receiving a flash image from a server. Thus, Cromer does not anticipate claim 1.

Moreover, nothing has been cited or found in Aoki or Sheppard that pertains to the above-cited limitation of claim 1. As such none of the cited prior art renders claim 1 unpatentable.

III. Claims 2-52 are patentable over the cited prior art

Claims 2-14 and 24-48 stand rejected under 35 U.S.C. § 102(e) as anticipated by Cromer. Additionally, claims 15-23 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Cromer in view of Japan Published Application No. 409258965A ("Aoki"); claims 49 and 50 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Cromer in view of U.S. Patent No. 5,319,519 ("Sheppard"); and claims 51 and 52 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Cromer in view of Aoki and further in view of Sheppard. These rejections are respectfully traversed.

Claims 10, 15, 24, 32, 40, and 48 are patentable over the cited prior art at least because each one of these claims includes a limitation comparable to the above-cited limitation of claim 1. Claims 2-9, 11-14, 16-23, 25-31, 33-39, 41-47, and 49-52 are patentable at least because they each depend from an allowable base claim.

IV. Response to § 112 rejections

A. Claim 1

Claim 1 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the action asserts that the specification does not support "[a] method of recovering from a corrupt computer system BIOS" comprising the step of "rebooting said computer system once after determining that said BIOS is corrupt, said rebooting occurring after said programming." This rejection is respectfully traversed.

Regarding the written description requirement, section 2163(I) of the M.P.E.P. explains "[t]o satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention." In the following case, one skilled in the art could have reasonably concluded that the inventor had possession of the invention of claim 1 for at least the following reasons.

First, the flowchart shown in figure 1 clearly shows a method of recovering from a corrupt computer system BIOS that includes rebooting only "once." This occurs at step 20, and no other steps include rebooting.

Second, one of ordinary skill would have recognized that this feature is inherent to the method shown in figure 1. For example, one skill in the art would have recognized that rebooting the computer system a second time after determining that said BIOS is corrupt and before said programming would trap the computer system in an endless loop. Thus, one skilled in the art would reasonably conclude that the "method of recovering from a corrupt computer system BIOS" of claim 1 requires "rebooting said computer system once after determining that said BIOS is corrupt, said rebooting occurring after said programming."

B. Claims 2-52

Claims 2-52 also stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. These rejections are respectfully traversed for the reasons presented above in connection with claim 1.

V. Conclusion

In view of the amendments and remarks presented in this reply, the applicant believes the pending application is in condition for allowance. If there are any formal matters remaining after this reply, the applicant respectfully requests the examiner to telephone the undersigned. If there are any additional fees associated with the filing of this reply, including fees required under 35 C.F.R. §§ 1.16 or 1.17, please charge them to deposit account no. 04-1073.

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Respectfully submitted,

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